

REMARKS

Reconsideration of the rejections set forth in the Office Action dated January 4, 2011, is respectfully requested. In the Office Action, the Examiner rejected claims 12-14, 17-20, 22-26, 28-30, and 32-36. Applicants herewith have canceled claims 14, 20, 23, and 33, amended claims 12, 13, 17-19, 22, 24-26, 28-30, and 36, and added new claims 37-40. Accordingly, claims 12, 13, 17-19, 22, 24-26, 28-30, 32, 34-40 are pending in the application. Applicants assert that no new matter has been added as can be confirmed by the Examiner.

A. Formalities.

Applicants appreciate the Examiner's careful examination of the present application and comments regarding claim interpretation. The pending claims have been amended to remove the supposed conditional language by more positively stating the occurrence of conditions as suggested by the Examiner. The Examiner also objected to claim 12 for allegedly having a typographical error for including the term "each." Since claim 12 has been amended to omit the term, Applicants submit that the Examiner's objection to claim 12 is moot and should be withdrawn.

B. Claims 12, 13, 17-19, 22, 24-26, 28-30, 32, 34-40 Particularly Point Out And Distinctly Claim The Subject Matter In Accordance With 35 U.S.C. § 112.

In the Office Action, the Examiner rejected claims 12-14, 17-20, 22-26, 28-30, and 32-36 under 35 U.S.C. § 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, the Examiner asserted that the term "its" as recited in independent claims 12, 25, and 28 and the term "passenger entertainment file" as set forth in claim 29 each lack proper antecedent basis and that claims 12, 19, 25, 28, and 30 include conditional language. Applicants have amended independent claims 12, 25, and 28 to remove recitations to the term "its" and claim 29 to more clearly set forth the term "passenger entertainment file." Claims 12, 19, 25, 28, and 30 likewise have been amended to remove the supposed conditional language by more positively stating the

occurrence of conditions in the manner set forth above in Section A. Accordingly, it is submitted that the rejections of claims 12, 19, 25, and 28-30 under 35 U.S.C. § 112 should be withdrawn and that claims 12, 13, 17-19, 22, 24-26, 28-30, 32, 34-40 are in condition for allowance.

- C. The Cited Prior Art Neither Discloses Nor Suggests Presenting A Second Content Catalog With File Information, Including A Title, A Content Description, And A Content Rating, For Each Second Entertainment File, Automatically Initializing Wireless Communications With The Headend System And Providing An Operational Status Of A Second Portable Media Device Upon Boarding The Passenger Vehicle, Verifying That The Content Rating Of A Selected Second Entertainment File Satisfies A Predetermined Content Standard, And Enabling The Second Portable Media Device To Receive The Entire Verified Second Entertainment File From The Second Content Library And The Local Content Source To Store An Archival Copy Of The Verified Second Entertainment File In An Appropriate File Library Based Upon The File Information As Set Forth In Independent Claim 12, As Amended.

In the Office Action, the Examiner rejected claims 12-14, 19, 20, 22-26, 28-30, 32, 33, and 36 under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Galipeau et al. (hereinafter "Galipeau"), United States Patent No. 6,249,913, in view of Luehrs (hereinafter "Luehrs"), United States Patent No. 7,690,012. Applicants respectfully submit, however that, by failing to disclose each and every element of independent claim 12, as amended, Galipeau in view of Luehrs does not bear upon the patentability of amended independent claim 12. Accordingly, it is submitted that independent claim 12, as well as claims 13, 17-19, 22, 24, 32, and 34-38 that depend therefrom, are in condition for allowance.

1. Galipeau Does Not Bear Upon The Patentability of Independent Claim 12.

Galipeau teaches an aircraft data management system with a plurality of integrated seat boxes 18 each being proximate to a set of passenger seats 12, 14 in an aircraft. (See Galipeau at Fig. 1; col. 3:52-55; col. 4:1-4.) Each integrated seat box 18 is disclosed as including function modules, which are replaceable and can be varied depending upon system requirements. (See id. at Figs. 5, 6b; col. 5:57-61; col. 6:14-18.) An audio module 120, for example, receives multiple audio tracks and interfaces with a passenger operated digital passenger control unit (DPCU) 124, enabling a passenger to select audio programming for presentation via stereo (or monaural) headset plugs 130. (See id. at Fig. 6b; col. 7:34-59.) Similarly, a video module 152 interfaces

with a video display panel 154 with video selections made via the digital passenger control unit 124. (See *id.* at Fig. 6b; col. 9:17-32.) Galipeau discloses that the passenger-operated digital passenger control unit 124, the headset plugs 130, and the video display panel 154 each are permanently mounted in the aircraft. (See *id.* at col. 7:55-64; col. 9:17-22.)

The integrated seat box 18 is further disclosed as including a data network interface module 114 for supporting bidirectional data communication between a head end controller of the aircraft data management system and a passenger's personal computer. (See *id.* at Fig. 6b; col. 6:64 – col. 7:3; col. 7:19-27.) The data network interface module 114 provides data to the passenger's personal computer via a hardwired RS-232 or Universal Serial Bus (USB) communication connection that terminates in a passenger outlet 168. (See *id.* at col. 7:14-18.) The passenger outlet 168 also is coupled with an in-seat power supply (ISPS) module 94 that provides electrical power to the passenger outlet 168. (See *id.* at Figs. 6b, 8; col. 6:24-32; col. 9:53-59.) Galipeau thereby discloses a wired passenger outlet 168 for coupling the passenger's personal computer with the data network interface module 114 and the in-seat power supply module 94.

In contrast to the wired passenger outlet 168 of Galipeau, the first and second portable media devices of independent claim 12, as amended, are set forth as automatically initializing wireless communications with the headend system of the claimed vehicle information system. Galipeau does not teach, or even suggest, that the passenger's personal computer and the data network interface module 114 and the in-seat power supply module 94 can communicate in a wireless manner as set forth in amended independent claim 12. Power distribution requires a hardwired connection. In fact, Galipeau teaches away from the use of wireless communications of any kind between the aircraft data management system and the passenger's personal computer and cannot be combined with any secondary reference that teaches wireless communications without the use of impermissible hindsight.

Accordingly, for at least the reasons set forth above, Galipeau does not bear upon the patentability of independent claim 12.

2. Galipeau In View Of Luehrs Does Not Bear Upon The Patentability of Claim 12.

On pages 8-10 of the Office Action, the Examiner repeatedly acknowledges further shortcomings of Galipeau, including that Galipeau does not teach at least "content data as media files, said headend system for providing a first content catalog of first entertainment files available from the first content library and a second content catalog of second entertainment files available from the second content library, the second content catalog including a content rating of the second entertainment files; presenting the first and second content catalogs; and said local content source to store an archival copy of the selected second entertainment file if the content rating of the selected second entertainment file satisfies a predetermined content standard; wherein the second content library is different from the first content library and is not available to said first portable media device" as set forth in independent claim 12. The Examiner therefore relies solely upon Luehrs to supplement the limited disclosure of Galipeau.

Luehrs discloses a subscriber television system (STS) 10 for controlling viewer access to broadcast media content by implementing positive parental controls over the media content. (See Luehrs at Abstract; Fig. 1; col. 3:38-55.) The subscriber television system 10 includes a communications network 18 that delivers television signals broadcast from a headend 11 to multiple digital home communication terminal (DHCT) devices 16 located at a residence or place of business of a user. (See *id.* at Fig. 1; col. 4:3-14, 36-41, 49-54; col. 4:61 – col. 5:12; col. 9:66 – col. 10:3.) Operating under the control of a processor 444, the digital home communication terminal devices 16 couple the headend 11 with a respective remote control device 480 and separate television display 441. (See *id.* at Fig. 4; col. 9:56-58; col. 10:8-29.)

The digital home communication terminal device 16 is illustrated in Fig. 4 as including a communications interface 442 for receiving video, audio, and/or data signals from the headend 11 through the communications network 18 and for providing reverse information to the headend 11 through the communications network 18. (See *id.* at Fig. 4; col. 10:3-7.) The communications interface 442 is coupled with a tuner system 445 that tunes into a particular television channel and a signal processing system 414 that processes broadcast media content

based upon externally-generated information, such as user inputs or commands, provided by the remote control device 480. (See *id.* at Figs. 4, 5; col. 10:8-14, 26-29, 38-50; col. 15:6-14; col. 18:36-54.) The digital home communication terminal device 16 has a receiver 446 for receiving the externally-generated information from the remote control device 480, an output system 448 for driving the processed media content onto the television display 441, and a storage device 473 for storing the processed media content for future retrieval. (See *id.* at Fig. 4; col. 10:8-14, 26-29; col. 11:50-55; col. 12:6-11; col. 17:55-65.) A separate communication port 474 can be provided for exchanging data with other external devices in a wired and/or wireless manner. (See *id.* at Fig. 4; col. 16:38-44.)

The digital home communication terminal device 16 also includes other modules, such as a general settings application 461. The general settings application 461 has a parental control system 468 that authorizes access to defined media content and a parental control database 469 that stores personal identification numbers for enabled authorization levels and for associating the authorized media content with a particular personal identification number. (See *id.* at Fig. 4; col. 18:8-20.) Fig. 25 illustrate a representative screen diagram of the subscriber television system 10, wherein the only media content that was previously enabled by the administrator is shown. (See *id.* at Fig. 25; col. 26:45-49.) The broadcast media content thereby is not available for viewing view the television display 441 unless the administrator enables viewing of the media content. (See *id.* at col. 3:52-55.)

Unlike the screen diagram shown in Fig. 25 of Luehrs, the vehicle information system of independent claim 12 is recited as including a second portable media device for presenting a second content catalog with file information, including a title, a content description, and a content rating, for each second entertainment file. The Examiner relies solely upon Luehrs with reference to the content rating features of independent claim 12; however, the screen diagram of Fig. 25 only presents a previously-enabled subset of the total available media content and does not include at least the content rating for the media content. Galipeau in view of Luehrs therefore

fails to provide the second content catalog with file information as set forth in independent claim 12.

Galipeau in view of Luehrs likewise fails to disclose or suggest automatic initializing wireless communications with the headend system and providing an operational status of a second portable media device upon boarding the passenger vehicle as set forth in independent claim 12. Neither Galipeau nor Luehrs teaches initializing communications with a portable media device or providing an operation status of the portable media device automatically when the portable media device boards a passenger vehicle. Furthermore, Galipeau in view of Luehrs discloses only wired communications with user devices: Galipeau teaches the wired passenger outlet 168 for coupling the aircraft data management system with the passenger's personal computer; and Luehrs discloses wired communications between the receiver 446 and the remote control device 480 and between the output system 448 and the television display 441.

The Examiner asserts that Luehrs' disclosure of the communication port 474 is sufficient to disclose the wireless communications between the headend system and the second portable media device of claim 12. In contrast to the assertion of the Examiner, the communication port 474 is disclosed as being used to exchange data between digital home communication terminal device 16 and other external devices. The communication port 474 is clearly shown and described as being separate from the receiver 446 that couples with the remote control device 480 and separate from the output system 448 that couples with the television display 441. Furthermore, even if the communication port 474 could somehow be modified to communicate with both the remote control device 480 and the television display 441 (which Applicants again assert it cannot), Galipeau's disclosure of the wired passenger outlet 168 for coupling the aircraft data management system with the passenger's personal computer teaches away from substituting the wired passenger outlet 168 of Galipeau with any type of wireless communication port, including the communication port 474 of Luehrs, without the use of impermissible hindsight for at least the reasons set forth above in Section C.I. In other words, Galipeau in view of Luehrs fails to teach automatic initializing wireless communications with the headend system and

providing an operational status of a second portable media device upon boarding the passenger vehicle as set forth in independent claim 12.

In addition, independent claim 12 further recites that a local content source is enabled to store an archival copy of the verified second entertainment file in an appropriate file library based upon the file information. The Examiner again relies solely upon Luehrs to teach storing the archival copy as set forth in independent claim 12. Luehrs, however, merely teaches that the storage device 473 can store the processed media content for future retrieval and is silent with reference to the manner in which the processed media content is stored within the storage device 473. Accordingly, the Examiner does not, and cannot, assert that Galipeau in view of Luehrs discloses a local content source that is enabled to store an archival copy of the verified second entertainment file in an appropriate file library based upon the file information in the manner set forth in independent claim 12.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. In view of all factual information, the Examiner must make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. Impermissible hindsight, however, must be avoided, and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. See M.P.E.P. § 2142.

Here, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) because, as set forth above, all of the elements of independent claim 12 are not found in the cited prior art. Galipeau in view of Luehrs does not disclose, nor even suggest, presenting a second content catalog with file information, including a title, a content description, and a content rating, for each second entertainment file, automatically initializing wireless communications with the headend system and providing an operational status of a second portable media device upon boarding the passenger vehicle, verifying that the content rating of a selected second entertainment file satisfies a predetermined content standard, and enabling the second portable media device to receive the entire verified second entertainment file from the second content library and the local content source to store an archival copy of the verified

second entertainment file in an appropriate file library based upon the file information as set forth in independent claim 12, as amended.

Accordingly, at least one recited element of independent claim 12 is totally missing from Galipeau in view of Luehrs. For at least the reasons set forth above, it is submitted that Galipeau in view of Luehrs does not bear upon the patentability of independent claim 12 and that claims 12, 13, 17-19, 22, 24, 32, and 34-38 are in condition for allowance.

D. The Cited Prior Art Neither Discloses Nor Suggests A Second Portable Media Device Having A Touchscreen Control System For Selecting Verified Second Entertainment File For Presentation And Controlling The Presentation Of The Verified Second Entertainment File As Set Forth In Amended Dependent Claim 13.

Dependent claim 13 has been amended to conform with independent claim 12 and also to further recite that the second portable media device includes a touchscreen control system for selecting the verified second entertainment file for presentation and controlling the presentation of the verified second entertainment file. Galipeau does not disclose use of touchscreen control systems; whereas, Luehrs merely discloses that a system administrator, rather than a passenger or other system user, can have a touchscreen to scroll through and select desired options for managing the parental controls. (See Luehrs at col. 19:37-42; col. 20:6-10.) Luehrs certainly fails to teach that the touchscreen is disposed on a portable media device as recited in claim 13.

Applicants therefore submit that at least one recited element of amended claim 13 is missing from Galipeau in view of Luehrs and that claim 13 is in condition for allowance.

E. The Cited Prior Art Neither Discloses Nor Suggests That The File Information For The Second Content Catalog Includes Download Fee Information Or Content Preview Information For Each Of The Second Entertainment Files As Set Forth In Amended Dependent Claims 17 And 18, Respectively.

In the Office Action, the Examiner rejected claims 17 and 18 under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Galipeau in view of Luehrs in view of Wilson et al. (hereinafter "Wilson"), United States Patent Publication No. US 2004/0192339 A1, and claims 34 and 35 under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Galipeau in view of Luehrs in view of Wilson in view of Spaeth et al. (hereinafter "Spaeth"), United States

Patent No. 6,920,611. Applicants respectfully submit that Galipeau in view of Luehrs in view of Wilson in view of Spaeth does not disclose each and every element of dependent claim 17 and 18, as amended, and therefore does not bear upon the patentability of amended dependent claims 17 and 18. Accordingly, it is submitted that claims 17 and 18, as well as claims 34 and 35 which depend therefrom, are in condition for allowance.

Acknowledging that Galipeau in view of Luehrs fails to disclose content being made available upon payment of a fee, the Examiner relies solely upon Wilson to teach content being made available upon payment of a fee. Dependent claim 17 has been amended to further recite that the file information for the second content catalog includes download fee information for each of the second entertainment files; whereas, dependent claim 18 has been amended to set forth that the file information for the second content catalog includes content preview information for each of the second entertainment files. Further, as set forth in more detail above with reference to Section C.2, the second portable media device presents the file information with the second content catalog.

The Examiner cannot, and does not, assert that Wilson discloses including download fee information or content preview information among the file information for each second entertainment file in the second content catalog as set forth in amended dependent claims 17 and 18, respectively. Furthermore, Galipeau in view of Luehrs in view of Wilson in view of Spaeth does not teach presenting the download fee information or content preview information with the file information for the second content catalog.

For at least the above reasons, Applicants therefore submit that at least one recited element of amended dependent claims 17, 18, 34, and 35 is missing from Galipeau in view of Luehrs in view of Wilson in view of Spaeth and that claims 17, 18, 34, and 35 are in condition for allowance.

- F. The Cited Prior Art Neither Discloses Nor Suggests Uploading A Passenger Entertainment File Associated With Passenger File Information, Including A Title, A Content Description, And A Content Rating, To A Local Content Source And Enabling The Local Content Source To Receive And Store A Verified Passenger Entertainment File In An Appropriate File Library Based Upon The Passenger File Information As Set Forth In Amended Dependent Claim 19.

Dependent claim 19 has been amended to further recite uploading a passenger entertainment file associated with passenger file information, including a title, a content description, and a content rating, to a local content source and enabling the local content source to receive and store a verified passenger entertainment file in an appropriate file library based upon the passenger file information.

The Examiner relies solely upon Luehrs to teach storing the verified passenger entertainment file as set forth in claim 19. In the manner set forth in more detail above in Section C.2, however, Luehrs merely teaches that the storage device 473 can store the processed media content for future retrieval and is silent with reference to the manner in which the processed media content is stored within the storage device 473. Accordingly, the Examiner does not, and cannot, assert that Galipeau in view of Luehrs discloses a local content source that is enabled to store a verified passenger entertainment file in an appropriate file library based upon the passenger file information in the manner set forth in dependent claim 19.

Applicants therefore submit that at least one recited element of amended claim 19 is missing from Galipeau in view of Luehrs and that claim 19 is in condition for allowance.

- G. The Cited Prior Art Neither Discloses Nor Suggests Download And Storage Of Destination Information That Is Associated With A Travel Destination Of The Passenger Vehicle, The Destination Information Being Selected From A Group Consisting Of A Map Of A Destination City, Travel Route Information Related To The Destination City, Hotel Accommodation Information, And Additional Travel Information, As Set Forth In New Dependent Claim 37.

New dependent claim 37 recites that the passenger entertainment file comprises destination information that is associated with a travel destination of the passenger vehicle, the destination information being selected from a group consisting of a map of a destination city, travel route information related to the destination city, hotel accommodation information, and

additional travel information. Although Luehrs does not disclose any use of destination information, Galipeau does teach that aircraft systems 198 can provide data, such as the time of day, the flight number, the aircraft tail number, the altitude, the air speed, the heading, the temperature, the position, the estimated time of arrival, and the status of connecting flights, to passengers. (See Galipeau at col. 11:25-30.) The aircraft systems 198 likewise can provide passengers with a map of the flight route with a superimposed aircraft, television programs, or a camera views. (See id. at col. 11:31-34.) Galipeau in view of Luehrs, however, clearly fails to teach providing destination information selected from a group consisting of a map of a destination city, travel route information related to the destination city, hotel accommodation information, and additional travel information in the manner recited in new claim 37.

Applicants therefore submit that at least one recited element of new claim 37 is missing from Galipeau in view of Luehrs and that claim 37 is in condition for allowance.

- H. The Cited Prior Art Neither Discloses Nor Suggests Presenting A Second Content Catalog With File Information, Including A Title, A Content Description, And A Content Rating, For Each Second Entertainment File, Automatically Initializing Wireless Communications With The Headend System And Providing An Operational Status Of A Second Portable Media Device Upon Boarding The Passenger Vehicle. Verifying That The Content Rating Of A Selected Second Entertainment File Satisfies A Predetermined Content Standard, And Enabling The Second Portable Media Device To Receive The Entire Verified Second Entertainment File From The Second Content Library And The Local Content Source To Store An Archival Copy Of The Verified Second Entertainment File In An Appropriate File Library Based Upon The File Information As Set Forth In Claims 25 and 28, As Amended.

In the Office Action, the Examiner likewise rejected independent claims 25 and 28 under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Galipeau in view of Luehrs.

Independent claim 25 has been amended in the manner set forth above with reference to claims 12 and 13 as discussed above in Sections C and D, respectively; whereas, independent claim 28 has been amended in the manner similar to the amendments to claim 12 as discussed above.

For at least the reasons discussed in Sections C and D, Applicants respectfully submit that independent claims 25 and 28, as amended, are patentable over Galipeau in view of Luehrs in

view of Wilson in view of Spaeth such that claims 25, 26, 28-30, 39, and 40 are in condition for allowance.

- I. The Cited Prior Art Neither Discloses Nor Suggests A Portable Media Device Having A Touchscreen Control System That Supports Volume, Mixing, And Equalization Control For Enhancing The Presentation Of The Audio Portion Of The Stored Entertainment File As Set Forth In Amended Dependent Claim 39.

Dependent claim 39 has been amended to further recite that the portable media device includes a touchscreen control system that supports volume, mixing, and equalization control for enhancing the presentation of the audio portion of the stored entertainment file. Galipeau does not disclose use of touchscreen control systems; whereas, Luehrs merely discloses that a system administrator, rather than a passenger or other system user, can have a touchscreen to scroll through and select desired options for managing the parental controls. (See Luehrs at col. 19:37-42; col. 20:6-10.) Luehrs certainly fails to teach a touchscreen control system that supports volume, mixing, and equalization control for enhancing the presentation of the audio portion of the stored entertainment file as recited in claim 39.

Applicants therefore submit that at least one recited element of amended claim 39 is missing from Galipeau in view of Luehrs and that claim 39 is in condition for allowance.

- J. The Cited Prior Art Neither Discloses Nor Suggests Configuring A Second Portable Media Device To Upload A Passenger Entertainment File Associated With Passenger File Information, Including A Title, A Content Description, And A Content Rating, To A Local Content Source And Enabling The Local Content Source To Receive And Store A Verified Passenger Entertainment File In An Appropriate File Library Based Upon The Passenger File Information As Set Forth In Amended Dependent Claim 30.

Dependent claim 30 has been amended to further recite configuring a second portable media device to upload a passenger entertainment file associated with passenger file information, including a title, a content description, and a content rating, to a local content source and enabling the local content source to receive and store a verified passenger entertainment file in an appropriate file library based upon the passenger file information.

The Examiner relies solely upon Luehrs to teach storing the verified passenger entertainment file as set forth in claim 30. In the manner set forth in more detail above in

Section C.2, however, Luehrs merely teaches that the storage device 473 can store the processed media content for future retrieval and is silent with reference to the manner in which the processed media content is stored within the storage device 473. Accordingly, the Examiner does not, and cannot, assert that Galipeau in view of Luehrs discloses a local content source that is enabled to store a verified passenger entertainment file in an appropriate file library based upon the passenger file information in the manner set forth in dependent claim 30.

Applicants therefore submit that at least one recited element of amended claim 30 is missing from Galipeau in view of Luehrs and that claim 30 is in condition for allowance.


K. Conclusion.

For at least the reasons set forth above, Applicants submit that Galipeau in view of Luehrs in view of Wilson in view of Spaeth does not bear upon the patentability of independent claims 12, 25, and 28 and that claims 12, 13, 17-19, 22, 24-26, 28-30, 32, 34-40 are in condition for allowance. A Notice of Allowance is earnestly solicited. The Examiner is encouraged to contact the undersigned at (949) 567-6700 if there is any way to expedite the prosecution of the present application.

Respectfully submitted,

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